

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Boards of Trustees of the Ohio :
Laborers' Fringe Benefit
Programs, :
Plaintiffs, :
v. Case No. 2:10-cv-1032
Ohio Building Restoration Co., : JUDGE ALGENON L. MARBLEY
Defendant. : Magistrate Judge Kemp

REPORT AND RECOMMENDATION

On January 26, 2012, plaintiffs moved for an order to show cause why defendant should not be held in contempt for failure to comply with the Court's order of January 6, 2012, ordering defendant to appear for deposition, answer interrogatories and produce documents. The matter was referred to the Magistrate Judge for a Report and Recommendation.

Defendant and its corporate officer Duane Haas were ordered appear on March 19, 2012, at 1:30 p.m. to show cause why a finding of contempt should not be made. Despite being served with the notice, they did not appear. However, an attorney for the defendant had made some contact with plaintiffs' counsel prior to the hearing. Plaintiff requested ten days within which to attempt to reach an understanding with defendant about complying with the Court's orders. If that does not occur, it is recommended that the defendant be found in contempt and that an arrest warrant issue.

The Clerk shall mail a copy of this Report and Recommendation to the defendant by regular and certified mail.

/s/ Terence P. Kemp
United States Magistrate Judge